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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : FREUDELSPERGER et al.
Serial No : 09/647,955
Confirm. No : 7444
Filed : October 5, 2000
For : ORDER PICKING...
Art Unit : 3652
Examiner : Janice Lee Krizek
Dated : September 30, 2002

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Official

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RESPONSE TO REQUIREMENT UNDER 35 USC § 121

In response to the Office Action of August 29, 2002, Applicant hereby elects Invention I with claims 34 - 63 drawn to a commissioning unit device.

The rejection states that the application contains claims directed to patentably distinct species, in particular the species of Figure 3 and the species of Figure 9. Applicant notes that Figure 3 shows a traveling bay-storage and retrieval unit 5, and Figure 9 shows the traveling bay-storage and retrieval unit 5 in an environment with a higher-level supply bay 15 and a commissioning unit 2 with a plurality of article bays 3. Figure 9 is a combination, and Figure 3 is therefore a subcombination. As such, Figures 3 and 9 are therefore not distinct species. Applicant is unsure whether the species election is requiring that Applicant elect to prosecute all of the features in Figure 9, or just the features in Figure 3. Furthermore, Applicant notes that any variations in the traveling bay-storage and retrieval unit 5 in the present application

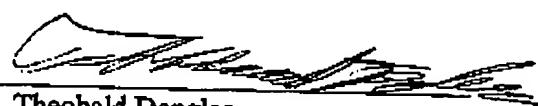
could be used in Figure 9. There is no structure in Figure 9 which would prevent any of the variations of unit 5 from being used in Figure 9. Therefore Figure 9 is generic to Figure 3 and any variations.

In order to comply with the requirement that a species be elected, Applicant hereby elects the species of Figure 9, as best understood, for further prosecution. Claims 34 - 63 are considered readable on the species of Figure 9.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

Favorable action on the merits of this application is respectfully requested.

Respectfully submitted
for Applicant,

By: 

Theobald Dengler
Registration No. 34,575
McGLEY AND TUTTLE, P.C.

TD:tf
08626.8

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SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
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